

DATE: 4/1/2008 CASE NUMBER: 08-15548-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Erika Celaya-Martinez

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney _____ INTERPRETER REQ'D Ricardo Gonzalez
LANGUAGE: Spanish

Attorney for Defendant Richard L. Juarez (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 3/31/08 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

☒ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ _____
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☐ Held ☒ Cont'd ☐ Reset
Set for: 4/9/08 at 1:00 pm before: Magistrate Judge Irwin

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed _____ ☐ Complaint filed _____
☐ Defendant sworn and examined by the Court ☐ Plea of Guilty ☐ Not Guilty ☐ Entered to Counts _____
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☐ Plea of Guilty entered as to Ct(s) _____ of the ☐ Information ☐ Indictment ☐ Complaint
☐ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because _____
☐ PSI ORDERED ☐ EXPEDITED ☐ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to ____ before _____
☐ To be dismissed upon entry of the judgment, Ct(s) ____
☐ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☐ remanded to USM

SENTENCING:

☐ Defendant committed to Bureau of Prisons for a period of ____ ☐ Probation/Supervised Release for ____
☐ Special Assessment \$ _____ ☐ Fine \$ _____ ☐ Restitution \$ _____
Other: Defense moves for a continuance. Government has no objection. Court grants motion.

RECORDED: CS
BY: Angela J. Tuohy, Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

3/31

UNITED STATES OF AMERICA

V.

Erika CELAYA-Martinez

Citizen of Mexico

YOB: 1977

088764924

Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-15548M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about January 28, 2007, near Andrade, California in the Southern District of California, Defendant Erika CELAYA-Martinez, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

for Erika Duarte

Signature of Complainant

Chris Cantua

Senior Patrol Agent

Sworn to before me and subscribed in my presence,

April 1, 2008

at

Yuma, Arizona

Date

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Erika CELAYA-Martinez

Dependents: 2 Mexican

IMMIGRATION HISTORY: The Defendant is an illegal alien.

CRIMINAL HISTORY: None found.

<u>DATE LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
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Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Yuma, Arizona.

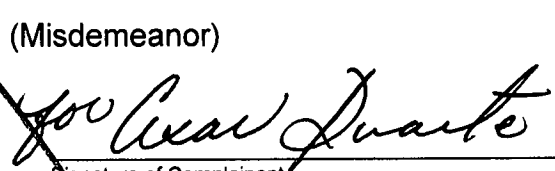
The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented National of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on January 28, 2007.

Charges: 8 USC§1325

(Misdemeanor)

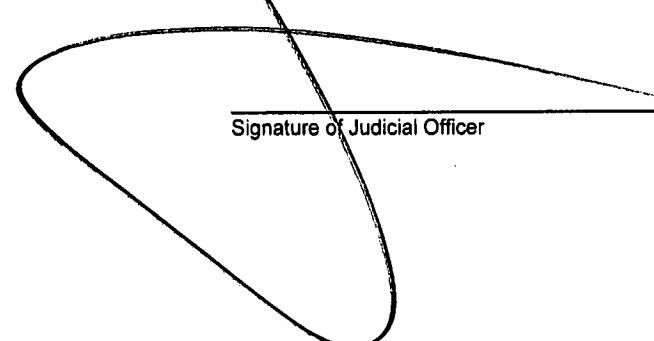


Signature of Complainant

Sworn to before me and subscribed in my presence,

April 1, 2008

Date



Signature of Judicial Officer

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6 IN THE UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT OF CALIFORNIA

8 United States of America,

9 Plaintiff,

10 vs.

11
12 Erika CELAYA-Martinez

13 Defendant.
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DISMISSAL ORDER

.08-15548 M - SD

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16 All charges against the Defendant, CELAYA-Martinez, Erika, are dismissed without
17 prejudice in the above-mentioned case.

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19 DATED this 4th day of April, 2008.

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22 Jay R. Irwin
United States Magistrate Judge
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26 cc: USM/PTS/BP
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